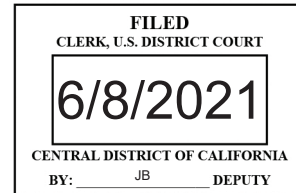


EXHIBIT Y



UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN LEE SMITH,

Defendant.

CR No. 2:21-cr-00272-JFW

I N F O R M A T I O N

[18 U.S.C. § 1343: Wire Fraud; 18
U.S.C. § 981(a)(1)(C) and 28
U.S.C. § 2461(c): Criminal
Forfeiture]

The Acting United States Attorney charges:

[18 U.S.C. § 1343]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Information

1. Defendant JONATHAN LEE SMITH was a resident of Los Angeles, California.

2. Defendant SMITH was the chief executive officer and majority owner of Hoplite Entertainment, Inc. ("Hoplite Entertainment"), a California Corporation based in Los Angeles, California. Hoplite Entertainment was a television production company specializing in unscripted programs.

3. Defendant SMITH was the chief executive officer and sole owner of Hoplite, Inc. ("Hoplite"), a California Corporation also

1 based in Los Angeles, California. Hoplite was a television
2 production company originally intended to specialize in scripted
3 programs but which instead specialized in programs with unscripted
4 content.

5 4. Defendant SMITH had sole signatory authority over a
6 checking account held at was the sole signer Wells Fargo Bank, N.A.,
7 business checking in the name of "Hoplite Entertainment, LLC," which
8 was opened in West Hollywood, California (the "Hoplite Entertainment
9 Account").

10 5. The "victim lender" was a privately held investment fund
11 that offered short-term loans, often called "bridge loans," to small-
12 and medium-sized businesses.

13 B. SCHEME TO DEFRAUD

14 6. Beginning no later than on or about August 24, 2020, and
15 continuing to at least January 22, 2021, in Los Angeles County,
16 within the Central District of California, and elsewhere, defendant
17 SMITH, knowingly and with the intent to defraud, devised,
18 participated in, and executed a scheme to defraud the victim lender
19 as to material matters, and to obtain money and property from the
20 victim lender by means of material false and fraudulent pretenses,
21 representations, promises, and the concealment of material facts.

22 7. The scheme to defraud operated, in substance, as follows:

23 a. Defendant SMITH sought a bridge loan from the victim
24 lender on behalf of Hoplite and Hoplite Entertainment (together the
25 "Hoplite Entities"), which bridge loan defendant SMITH represented
26 would be used to cover short-term expenses while the Hoplite Entities
27 awaited payment on accounts receivable.

1 b. To induce the victim lender to make the bridge loan
2 by, among other things, convincing the victim lender of the Hoplite
3 Entities' ability to repay the bridge loan based on their purported
4 accounts receivable, defendant SMITH made material false statements
5 and representations, including the following:

6 i. Defendant SMITH provided the victim lender with
7 purported license agreements by which third parties acquired
8 distribution rights for content produced by the Hoplite Entities.
9 The purported license agreements obligated the third parties to pay
10 approximately \$3,348,000 to the Hoplite Entities. In truth, as
11 defendant SMITH then knew, these license agreements were
12 fabrications, and the true and authentic agreements between the
13 Hoplite Entities and the third parties required total payments in a
14 far lower amount, resulting in accounts receivable in a similarly
15 lower amount.

16 ii. Defendant SMITH provided the victim lender with
17 purported agreements with secured creditors to whom the Hoplite
18 Entities owed money in which the creditors purportedly subordinated
19 their interests to the interest of the victim lender, thereby
20 requiring that the Hoplite Entities repay the victim lender before
21 the secured creditors. In truth, as defendant SMITH then knew, these
22 agreements were fabrications, and the secured creditors had not
23 agreed to subordinate their interests to that of the victim lender.

24 c. Defendant SMITH directed the victim lender to transfer
25 the proceeds of the bridge loan into the Hoplite Entertainment
26 Account by means of interstate wire.

27 d. After failing to make the required payments on the
28 bridge loan, defendant SMITH induced the victim lender to provide

1 additional time to repay the fraudulently obtained loan and prevented
2 detection of his scheme to defraud by sending representatives of the
3 victim lender a document falsely showing that a payment was imminent,
4 namely, a purported email chain including a fabricated record of a
5 wire transfer of \$100,000 from Hoplite, Inc., to the victim lender.

6 8. As a result of the scheme to defraud, defendant SMITH
7 caused the victim lender to lose approximately \$2 million.

8 C. USE OF INTERSTATE WIRES

9 9. On or about September 30, 2020, within the Central District
10 of California, and elsewhere, for the purpose of executing the above-
11 described scheme to defraud, defendant SMITH transmitted and caused
12 the transmission of an item by means of wire communication in
13 interstate commerce, namely, the transfer of approximately
14 \$1,951,416.80 from a bank account in Atlanta, Georgia, to the Hoplite
15 Entertainment Account.

FORFEITURE ALLEGATION

[18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c)]

10. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), in the event of defendant JONATHAN LEE SMITH's conviction of the offense set forth in the sole count of this Information.

11. Defendant SMITH, if so convicted, shall forfeit to the United States of America the following:

a. All right, title, and interest in any and all property, real or personal, constituting, or derived from, any proceeds traceable to the offense; and

b. To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

12. Pursuant to Title 18, United States Code, Section 981(a)(1)(c), as incorporated by Title 28, United States Code, Section 2461(c), if so convicted, defendant SMITH shall forfeit substitute property, up to the total value of the property described in the preceding paragraph if, as the result of any act or omission of defendant SMITH, the property described in the preceding paragraph, or any portion thereof: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to or deposited with a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in

//

1 value; or (e) has been commingled with other property that cannot be
2 divided without difficulty.

3
4 TRACY L. WILKISON
Acting United States Attorney

5
6 

7 SCOTT M. GARRINGER
8 Assistant United States Attorney
Chief, Criminal Division

9 RANEE A. KATZENSTEIN
10 Assistant United States Attorney
Chief, Major Frauds Section

11 POONAM G. KUMAR
12 Assistant United States Attorney
Deputy Chief, Major Frauds Section

13 ALEXANDER B. SCHWAB
14 Assistant United States Attorney
Major Frauds Section